



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5773

Introduced 03/24/06, by Rep. William B. Black - Raymond Poe - Rich Brauer

SYNOPSIS AS INTRODUCED:

10 ILCS 5/7-43

from Ch. 46, par. 7-43

10 ILCS 5/7-44

from Ch. 46, par. 7-44

Amends the Election Code. Provides that a voter casting ballots in a primary election shall receive the ballots of all political parties, but may vote in the primary of only one political party (except that a voter may vote both statewide and local party ballots with respect to mutually exclusive portions of the ballots).

LRB094 20042 JAM 57590 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing
5 Sections 7-43 and 7-44 as follows:

6 (10 ILCS 5/7-43) (from Ch. 46, par. 7-43)

7 Sec. 7-43. Primary voter qualifications. Every person
8 having resided in this State 6 months and in the precinct 30
9 days next preceding any primary therein who shall be a citizen
10 of the United States of the age of 18 or more years, shall be
11 entitled to vote at such primary.

12 The following regulations shall be applicable to
13 primaries:

14 ~~No person shall be entitled to vote at a primary:~~

15 (a) (Blank). ~~Unless he declares his party affiliations as~~
16 ~~required by this Article.~~

17 (b) (Blank). ~~Who shall have signed the petition for~~
18 ~~nomination of a candidate of any party with which he does not~~
19 ~~affiliate, when such candidate is to be voted for at the~~
20 ~~primary.~~

21 (c) No person shall be entitled to vote at a primary who
22 shall have signed the nominating papers of an independent
23 candidate for any office for which office candidates for
24 nomination are to be voted for at such primary.

25 (c.5) (Blank). ~~If that person has participated in the town~~
26 ~~political party caucus, under Section 45-50 of the Township~~
27 ~~Code, of another political party by signing an affidavit of~~
28 ~~voters attending the caucus within 45 days before the first day~~
29 ~~of the calendar month in which the primary is held.~~

30 (d) (Blank). ~~If he has voted at a primary held under this~~
31 ~~Article 7 of another political party within a period of 23~~
32 ~~calendar months next preceding the calendar month in which such~~

1 ~~primary is held: Provided, participation by a primary elector~~
2 ~~in a primary of a political party which, under the provisions~~
3 ~~of Section 7-2 of this Article, is a political party within a~~
4 ~~city, village or incorporated town or town only and entitled~~
5 ~~hereunder to make nominations of candidates for city, village~~
6 ~~or incorporated town or town offices only, and for no other~~
7 ~~office or offices, shall not disqualify such primary elector~~
8 ~~from participating in other primaries of his party: And,~~
9 ~~provided, that no qualified voter shall be precluded from~~
10 ~~participating in the primary of any purely city, village or~~
11 ~~incorporated town or town political party under the provisions~~
12 ~~of Section 7-2 of this Article by reason of such voter having~~
13 ~~voted at the primary of another political party within a period~~
14 ~~of 23 calendar months next preceding the calendar month in~~
15 ~~which he seeks to participate is held.~~

16 (e) In cities, villages and incorporated towns having a
17 board of election commissioners only voters registered as
18 provided by Article 6 of this Act shall be entitled to vote at
19 such primary.

20 (f) No person shall be entitled to vote at a primary unless
21 he is registered under the provisions of Articles 4, 5 or 6 of
22 this Act, when his registration is required by any of said
23 Articles to entitle him to vote at the election with reference
24 to which the primary is held.

25 (Source: P.A. 89-331, eff. 8-17-95.)

26 (10 ILCS 5/7-44) (from Ch. 46, par. 7-44)

27 Sec. 7-44. Initialing of ballots; local parties.

28 (a) Any person desiring to vote at a primary shall state
29 his or her name and, residence ~~and party affiliation~~ to the
30 primary judges, one of whom shall thereupon announce the same
31 in a distinct tone of voice, sufficiently loud to be heard by
32 all persons in the polling place. When article 4, 5 or 6 is
33 applicable the Certificate of Registered Voter therein
34 prescribed shall be made and signed and the official poll
35 record shall be made. If the person desiring to vote is not

1 challenged, one of the primary judges shall give to him or her
2 ~~one, and only one,~~ primary ballot of each of the established
3 political parties nominating candidates for office at the
4 primary election, but the voter may cast a ballot of only one
5 political party, except as otherwise provided in subsection (b)
6 ~~party with which he declares himself affiliated,~~ on the back of
7 which ~~the~~ such primary judge shall endorse his or her initials
8 in such manner that they may be seen when the primary ballot is
9 properly folded. If the person desiring to vote is challenged
10 he or she shall not receive a primary ballot from the primary
11 judges until he or she shall have established his or her right
12 to vote as ~~hereinafter~~ provided in this Article. ~~No person who~~
13 ~~refuses to state his party affiliation shall be allowed to vote~~
14 ~~at a primary.~~

15 (b) A person who casts a ballot of ~~declares his party~~
16 ~~affiliation with~~ a statewide established political party ~~and~~
17 ~~requests a primary ballot of such party may nonetheless also~~
18 ~~declare his affiliation with a political party established only~~
19 ~~within a political subdivision, and~~ may also vote in the
20 primary of a ~~such~~ local political party established only within
21 a political subdivision on the same election day, provided that
22 the ~~such~~ voter may not vote in both ~~such~~ party primaries with
23 respect to offices of the same political subdivision. However,
24 no person casting a ballot of ~~declaring his affiliation with~~ a
25 statewide established political party may vote in the primary
26 of any other statewide political party on the same election
27 day. A space shall be provided on the primary ballot indicating
28 for which political party the voter cast his or her votes and
29 the voter may mark the space on the ballot of only one
30 political party indicating that party, except as otherwise
31 provided in this Section. If the voter desires to cast his or
32 her ballot of a Statewide political party and a political party
33 established only within a political subdivision, the voter may
34 indicate that choice by marking the space provided on the
35 ballot of the Statewide political party and by also marking the
36 space provided on the ballot of the political party established

1 only within a political subdivision. If the voter does not mark
2 the space on the primary ballot indicating the political party
3 in which the voter cast his or her ballot, the judges of
4 election shall count only the votes of the political party in
5 which the voter cast a vote for the office nearest the top of
6 the ballot.

7 (Source: P.A. 81-1535.)